

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KEITH R. MAJEWICZ,

Plaintiff,

v.

ORDER  
09-CV-340

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On October 21, 2009, defendant filed a motion for judgment on the pleadings and on December 4, 2009 plaintiff filed a motion for judgment on the pleadings. On February 22, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for judgment on the pleadings be granted and that plaintiff's motion for similar relief be denied. Plaintiff filed objections to the Report and Recommendation on April 14, 2010 and defendant filed a response thereto. Oral argument on the objections was held on June 14, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for judgment on the pleadings is granted and plaintiff's motion for judgment on the pleadings is denied. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: June 21, 2010